



**PLANNING COMMISSION AGENDA**  
*SYNOPSIS*

**Wednesday, August 25, 2004**

6:00 p.m. Regular Meeting  
Council Chambers, Room 205, City Hall

801 North First Street  
San Jose, California

**Bob Levy, Chair**  
**Bob Dhillon, Vice-Chair**

**Xavier Campos      Jay James**  
**Dang T. Pham**  
**Christopher Platten      James Zito**

**Stephen M. Haase, Director**  
**Planning, Building and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good evening, my name is **Bob Levy** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **August 25, 2004**. Please remember to turn off your cell phones and pagers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

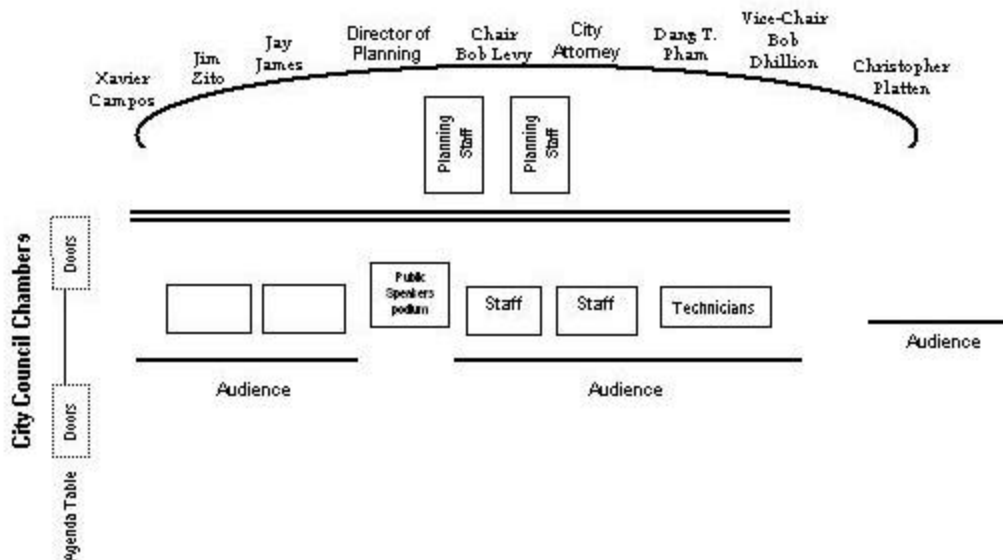
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Commission's action on rezoning, prezonings and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items.** Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

**Note:** If you have any agenda changes, please contact Linda LaCount ([linda.lacount@sanjoseca.gov](mailto:linda.lacount@sanjoseca.gov)).

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm>. Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 277-4576. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**AGENDA**  
**ORDER OF BUSINESS**

**1. ROLL CALL**

*ALL WERE PRESENT EXCEPT PHAM.*

**2. DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. CP04-026. CONDITIONAL USE PERMIT to allow a 50-foot-high wireless communications monopole and an associated 375-square-foot ground-level equipment shelter at an existing public utility facility (San Jose Water Company) on a 3-acre site in the A Agricultural Zoning District located at the northwest corner of San Tomas Expressway and Williams Road (San Jose Water Works, Owner; Rich Rolita, AFL Telecommunications Developer). Council District 1. SNI: None. CEQA: Exempt. Deferred from 7-28-04 and 8-11-04.

*DROPPED.*

- b. PDC03-104. PLANNED DEVELOPMENT REZONING from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 6 single-family detached residences on a 0.41 gross acre site, located on the south side of State Street, approximately 300 feet easterly of Pacific Avenue (Next Step Homes, LLC, Owner/Developer). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.

*DEFERRED TO 9-8-04.*

**3. CONSENT CALENDAR**

**NOTICE TO THE PUBLIC**

**The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.**

- a. CP04-029. CONDITIONAL USE PERMIT to install 3 wireless communication antennas on an existing ~~99~~ 105-foot-tall PG&E transmission tower with associated 60-square-foot equipment shelter on an approximately 1.7 acre site within an existing utility corridor in the R-M Multiple Residence Zoning District located on the west side of

Silverstone Place, between Whitestone Court and Bluestone Court (Pacific Gas & Electric Co, Owner). Council District 5. SNI: East Valley/680 Communities. CEQA: Exempt. Deferred from 8-11-04.

**Recommendation**

Planning staff recommends that the Planning Commission approve the Conditional Use Permit for wireless communication antennas as recommended by Staff.

*APPROVED (6-0-1; PHAM ABSENT).*

- b. CP04-065. WIRELESS - CONDITIONAL USE PERMIT to allow 3-panel wireless communications antennas mounted at an existing 111-foot-high stadium light pole and associated 144-square-foot equipment shelter on a 53.25-gross-acre site in the R-1-8 Zoning District, located at/on the southwest corner of Moorpark Avenue and Leigh Avenue (San Jose City College). Council District: 6. SNI: Burbank/Del Monte. CEQA: Exempt.

**Recommendation**

Planning staff recommends that the Planning Commission approve the Conditional Use Permit for wireless communication antennas as recommended by Staff.

*APPROVED (6-0-1; PHAM ABSENT).*

- c. CP04-055. CONDITIONAL USE PERMIT to allow a private preschool, kindergarten, and elementary school (for up to 282 children) in a former public school facility on a 8.49-gross-acre site in the R-1-8 Single-Family Residence Zoning District located on the south side of Allegan Circle approximately 200 feet easterly of Lean Avenue (Oak Grove S D, Owner; St Stephen's Episcopal School, Paul Wenninger, Developer). Council District 2. SNI: None. CEQA: Exempt.

**Recommendation**

Planning staff recommends that the Planning Commission approve the Conditional Use Permit to allow a private school as recommended by Staff.

*APPROVED (6-0-1; PHAM ABSENT).*

- d. CP04-037. CONDITIONAL USE PERMIT to install 3 wireless communication antennas in a replacement flagpole 12.5-inches-in-diameter, increasing the height of the pole by 8-feet, 2-inches to 50 feet; and construct a 143-square-foot equipment-shelter on a 1.01-gross-acre site in the R-2 Two-Family Residence and CN Commercial Neighborhood Zoning Districts located at the northwest corner of Willow and Locusts Streets (325 Willow Street) (Roman Catholic Welfare Corp. of San Jose, Owner). Council District 3. SNI: Washington. CEQA: Exempt.

**Recommendation**

Planning staff recommends that the Planning Commission approve the Conditional Use Permit for wireless communication antennas as recommended by Staff.

*APPROVED (6-0-1; PHAM ABSENT).*

- e. PDA87-072-01. RESOLUTION TO UPHOLD THE APPEAL OF THE PLANNING DIRECTOR'S DECISION TO DENY A PLANNED DEVELOPMENT PERMIT

AMENDMENT to allow operation hours after midnight until 3:00 a.m. Thursdays through Saturdays at an existing restaurant on a 1.23-gross-acre site, in the A(PD) Planned Development Zoning District located at/on the southwest corner of Capitol Avenue and Sierra Grande Way (175 S. Capitol Avenue) (James Z. & Chaska C. Teng, et al, Trustee, Owner). Council District 5. SNI: East Valley/680 Communities. CEQA: Exempt. Deferred from 8-11-04 for preparation of the resolution.

**Recommendation**

Planning staff recommends that the Planning Commission adopt the resolution to Uphold the Appeal of the Planned Development Permit Amendment as voted on by the Planning Commission 8-11-04.

*ADOPTED THE RESOLUTION TO UPHOLD THE APPEAL OF THE PLANNED DEVELOPMENT PERMIT AMENDMENT (6-0-1; PHAM ABSENT)..*

The following items are considered individually.

**4. PUBLIC HEARINGS**

- a. CP04-020. CONDITIONAL USE PERMIT to extend the height of a church steeple by an additional 12 feet to accommodate three (3) new enclosed wireless communication antennas and to allow an ancillary equipment shelter on a 3.15 gross-acre site in the R-1-8 Single-Family Residence Zoning District, located at/on southeast corner of Curtner and Meridian Avenues (1730 Curtner Avenue) (The First Free Methodist Church Of San Jose, Owner). Council District 9. SNI: None. CEQA: Exempt. Deferred from 7-28-04 and 8-11-04.

**Recommendation**

Planning staff recommends that the Planning Commission approve the Conditional Use Permit for wireless communication antennas as recommended by Staff.

*APPROVED (6-0-1; PHAM ABSENT) AMENDING CONCURRENT CONDITION #10.d. TO INCLUDE THAT OUTDOOR STORAGE AND GARBAGE ENCLOSURE ISSUES BE RESOLVED PRIOR TO BUILDING PERMIT.*

- b. CP04-060. CONDITIONAL USE PERMIT to allow an increase in enrollment of a private daycare/school facility from 700 to 800 children on a .44 gross-acre site in the R-1-8 Single-Family Residence Zoning District, located at the southwest corner of Blackford Avenue and Boynton Avenue (3800 Blackford Avenue) (Campbell Union High School District, Owner; The Harker School Foundation/Howard E. Nichols, Developer). Council District 1. SNI: Blackford. CEQA: Exempt

**Recommendation**

Planning staff recommends that the Planning Commission approve the Conditional Use Permit to allow an increase in enrollment of a private school facility as recommended by Staff.

*APPROVED (6-0-1; PHAM ABSENT).*

## **5. PETITIONS AND COMMUNICATIONS**

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
1. Responding to statements made or questions posed by members of the public; or
  2. Requesting staff to report back on a matter at a subsequent meeting; or
  3. Directing staff to place the item on a future agenda.

*NO COMMENTS.*

- b. Distribution of Recirculated Draft Environmental Impact Report for McKean Road Sports Complex General Plan text amendment (File No. GPT01-10-02/PP03-02-057) to allow certain limited, interim outdoor recreational uses on public properties that are consistent with the long-term character of the South Almaden Valley Urban Reserve (SAVUR) and a City of San Jose public project to allow the development of a youth sports field complex with up to 12 baseball/softball/soccer fields on approx. 35.4 acres of an approx. 77-acre property owned by the San Jose Unified School District located on the north side of McKean Road, approximately 1,500 feet westerly of Fortini Road, in the SAVUR in an unincorporated area of Santa Clara County (SCH # 2002112035). Distributed 8-19-04. Scheduled for November 17, 2004 Planning Commission.
- c. Distribution of Draft Environmental Impact Report (EIR) for a proposed General Plan Amendment (File No. GP04-10-02) to: (1) Change the Land Use/Transportation Diagram designation of Winfield Boulevard from Minor Arterial to No General Plan designation (this would include cancellation of the future Winfield Boulevard Bridge); and (2) Change the Land Use/Transportation Diagram designation of McAbee Road from Major Collector-4 Lanes to Major Collector-2 lanes. The proposed General Plan Amendment applies to Winfield Boulevard and McAbee Road between Coleman Road to the north and Camden Avenue to the south (SCH # 2004072057) (City of San Jose Owner/Applicant). Scheduled for November 17, 2004 Planning Commission. Distributed 8-25-04.

## **6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

*NONE.*

## **7. GOOD AND WELFARE**

- a. Report from City Council  
*COUNCIL REVIEW OF GETTING FAMILIES BACK TO WORK, FRIDAY, 8-27-04.*
- b. Commissioners' reports from Committees:
- Norman Y. Mineta San Jose International Airport Curfew Monitoring Committee (Dhillon and James).
- AIRPORT CURFEW AND NOISE MONITORING COMMITTEES TO BE MERGED.*

- Coyote Valley Specific Plan (Platten)

*COYOTE TASK FORCE SCHEDULED FOR MONDAY, 8-30-04. COMMISSIONER LEVY ATTENDED RECENT WORKSHOP.*

- c. Review of synopsis for August 11, 2004.

*RECOMMENDATION WORDING CHANGED ON ITEM 7.A.2. AND 7.C.2.*

## 8. ADJOURNMENT

### 2004 PLANNING COMMISSION MEETING SCHEDULE

September 8	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
September 22	6:00 p.m.	Regular Meeting	Council Chambers
<b>September 23</b>	<b>8:30 a.m./4:30 p.m.</b>	<b>Annual Retreat</b>	<b>Museum of Art, 110 S. Market</b>
October 13	6:00 p.m.	Regular Meeting	Council Chambers
October 27	6:00 p.m.	Regular Meeting	Council Chambers
November 1	6:00 p.m.	General Plan Hearing	Council Chambers
November 10	6:00 p.m.	Regular Meeting	Council Chambers
November 17	6:00 p.m.	General Plan/Regular Meeting	Council Chambers
December 8	6:00 p.m.	Regular Meeting	Council Chambers